

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**LAFAYETTE DIVISION**

**NARRA BATISTE, ET AL                   \*       CIVIL ACTION NO. 09-1109**  
**VS.   \*       JUDGE HAIK**  
**RONALD J. THERIOT, ET AL       \*       MAGISTRATE JUDGE HILL**

**ORDER**

Review of the complaint reveals that defendants, Ronald J. Theriot, Kayla Mallory, Shawn Edward Johnson, Donnie Lasher, and Lee Verni were sued individually. Review of the answer filed by the defendants reveals that they have asserted the defense of qualified immunity. To the extent that the defendants were sued in their individual capacities, the heightened pleadings requirements apply. *See Baker v. Putnal*, 75 F.3d 190, 195 (5th Cir. 1996).

The undersigned finds that the allegations are insufficient as to these defendants. Accordingly, pursuant to the suggestion in *Schultea v. Wood*, 47 F.3d 1427, 1432-34 (5<sup>th</sup> Cir. 1995), **IT IS ORDERED** that the plaintiffs file a Fed. R. Civ. P. 7(a) reply to the qualified immunity defense pled by defendants **within twenty (20) days of receipt of this order**. Specifically, the reply shall state as to each defendant: (1) the constitutional rights that said defendant personally violated; (2) the facts that

support the allegations against said defendant; and (3) the reasons why said defendant is not entitled to qualified immunity.

Failure to comply with this order will invite the imposition of sanctions under Federal Rule of Civil Procedure 16(f), including possible dismissal of all claims. *See Reyes v. Sazan*, 168 F.3d 158 (5<sup>th</sup> Cir. 1999). Should plaintiffs fail to file the Rule 7(a) reply, defense counsel shall promptly notify the court by filing an appropriate motion.

Signed in Lafayette, Louisiana, October 22, 2009.

  
C. MICHAEL HILL  
UNITED STATES MAGISTRATE JUDGE